

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Lynchburg Division**

POWER HOME SOLAR, LLC D/B/A)
PINK ENERGY,)
)
Plaintiff,)
)
v.) Case No. 6:22-cv-00043
)
GENERAC POWER SYSTEMS, INC.,)
)
Defendant.)

**DEFENDANT'S MOTION TO DISMISS AND
COMPEL ARBITRATION OR, IN THE ALTERNATIVE, TRANSFER VENUE**

Pursuant to Federal Rule of Civil Procedure 12 and the Federal Arbitration Act, 9 U.S.C. §§ 3 and 4, Defendant Generac Power Systems, Inc. (“Generac”) respectfully moves for an Order (1) compelling Plaintiff Power Home Solar, LLC (“PHS”) to arbitrate its claims against Generac and (2) dismissing PHS’s Complaint, or, in the alternative, staying further litigation of those claims pending the outcome of arbitration. In the event this Court does not dismiss the litigation, Generac moves in the alternative to transfer venue to the United States District Court for the Southern District of New York pursuant to 28 U.S.C. § 1404. The grounds for this Motion are set forth in a contemporaneously filed memorandum.

Dated: September 23, 2022

Respectfully submitted,

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Attorneys for Generac Power Systems, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of September 2022, a true and correct copy of the foregoing was filed with the Clerk of Court using the CM/ECF system, which provided electronic service to all counsel of record.

/s/ Glenn W. Pulley